

Exhibit D

Defendants' Amended Initial Disclosures

United States District Court
Western District of Texas
Austin Division

United States of America,

Plaintiff,

v.

Greg Abbott, in his capacity as Governor of
the State of Texas, and the State of Texas,

Defendants.

No. 1:23-cv-00853-DAE

DEFENDANTS' AMENDED INITIAL DISCLOSURES

TO: Plaintiff, the United States of America, by and through its attorney of record Landon A. Wade, Assistant United States Attorney, U.S Attorney's Office Western District of Texas, 903 San Jacinto Blvd. Suite 334, Austin, Texas 78701.

Defendants, Gregory Abbott, in his official capacity as the Governor of Texas, and the State of Texas (collectively "Defendants") serve the following Amended Initial Disclosures.

Date: June 12, 2024

Respectfully submitted,

Ken Paxton
Attorney General of the State of Texas

Brent Webster
First Assistant Attorney General

Ralph Molina
Deputy Attorney General for Legal Strategy

Ryan Walters
Chief, Special Litigation Division

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s/ Johnathan Stone
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Counsel for Defendants

CERTIFICATE OF SERVICE

On June 12, 2024, this document was served via email on all counsels of record.

s/ Johnathan Stone
Johnathan Stone
Special Counsel

DEFENDANTS' AMENDED INITIAL DISCLOSURES

Fed. R. Civ. P. Rule 26(a)(1)(A)(i):

The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

1. **Texas Military Department**
C/o Johnathan Stone
Special Counsel
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Office of the Attorney General of Texas
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Counsel for Defendants

Employees of the Texas Military Department are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, the buoys, and the Rio Grande River.

2. **Texas Department of Public Safety**
C/o Johnathan Stone
Special Counsel
Special Litigation Division
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Counsel for Defendants

Employees of the Texas Department of Public Safety are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, the buoys, and the Rio Grande River.

3. Texas Commission on Environmental Quality

C/o Johnathan Stone
Special Counsel
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Counsel for Defendants

Employees of the Texas Commission on Environmental Quality are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the buoys, water rights, water releases, commercial navigation, environmental and ecological matters, permitting, state regulations, and the Rio Grande River.

4. Geir Eilif Kalhagen

Maritime Division Director
Texas Department of Transportation
C/o Johnathan Stone
Special Counsel
Special Litigation Division
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Austin, Texas 78711
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Johnathan.Stone@oag.texas.gov
Counsel for Defendants

Mr. Kalhagen is likely to have discoverable information that may be used to support a claim

or defense, other than solely for impeachment purposes, relating to the buoys, commercial navigation, global supply chains, law enforcement, Operation Lonestar, maritime logistics, and the Rio Grande River.

5. **Georgina (“Gina”) Bermea**
Rio Grande River Watermaster
Texas Commission on Environmental Quality
C/o Johnathan Stone
Special Counsel
Special Litigation Division
Office of the Attorney General of Texas
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Counsel for Defendants

Ms. Bermea is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the buoys, water rights, water releases, commercial navigation, permitting, state regulations, and the Rio Grande River.

6. **Mike Banks**
Special Advisor to the Governor on Border Matters
C/o Johnathan Stone
Special Counsel
Special Litigation Division
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Counsel for Defendants

Mr. Banks is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, the buoys, law enforcement, governmental relations, and the Rio Grande River.

7. Rodney Scott

Former Chief of the U.S. Border Patrol
C/o Johnathan Stone
Special Counsel
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Counsel for Defendants

Mr. Scott is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, law enforcement, the buoys, governmental relations, and the Rio Grande River.

8. Victor Escalon

Regional Director
Texas Department of Public Safety
C/o Johnathan Stone
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Counsel for Defendants

Mr. Escalon is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, state regulations, the buoys, governmental relations, and the Rio Grande River.

9. Chris Nordloh

Tactical Marine Unit
Texas Department of Public Safety

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Special Counsel
Special Litigation Division
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Counsel for Defendants

Mr. Nordloh is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, the buoys, law enforcement, governmental relations, and the Rio Grande River.

10. Joseph Shelnut
U.S. Army Corps of Engineers
C/o Brian Lynk
Department of Justice
Environment & Natural Resources Division
150 M Street NE
Washington, D.C. 20002
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Brian.lynk@usdoj.gov
Counsel for the USA

Mr. Shelnut is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Army Corps of Engineers determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and the absence of a U.S. Army Corps of Engineers permit issued for the installation the buoys.

11. Neil Lebsock
U.S. Army Corps of Engineers
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Environment & Natural Resources Division
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Counsel for the USA

Mr. Lebsack is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Army Corps of Engineers determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and the absence of a U.S. Army Corps of Engineers permit issued for the installation the buoys.

12. Isela Canava

U.S. Section of International Boundary Water Commission
C/o Brian Lynk
Department of Justice
Environment & Natural Resources Division
150 M Street NE
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Counsel for the USA

Ms. Canava is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

13. Francisco Sainz

U.S. Section of International Boundary Water Commission
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Counsel for the USA

Mr. Sainz is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the impact of the buoys on the

U.S. Section of International Boundary Water Commission.

- 14. Adrian Cortez**
U.S. Section of International Boundary Water Commission
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Environment & Natural Resources Division
150 M Street NE
Washington, D.C. 20002
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Counsel for the USA

Mr. Cortez is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

- 15. Mario Gomez**
U.S. Section of International Boundary Water Commission
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Counsel for the USA

Mr. Gomez is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

- 16. Hilary Quam**
U.S. Department of Defense
C/o Brian Lynk
Department of Justice

Environment & Natural Resources Division
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Counsel for the USA

Ms. Quam is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the impact of the buoys on U.S. relations with Mexico.

17. Micky Donaldson
U.S. Border Patrol
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Counsel for the USA

Mr. Donaldson is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Border Patrol and the impact of the buoys on the U.S. Border Patrol.

18. Capt. Brandy Parker
U.S. Coast Guard
C/o Brian Lynk
Department of Justice
Environment & Natural Resources Division
150 M Street NE
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Counsel for the USA

Capt. Parker is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Coast Guard

determination that the Rio Grande River is a navigable river.

- 19. Capt. Justin Peters**
U.S. Coast Guard
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Department of Justice
Environment & Natural Resources Division
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Counsel for the USA

Capt. Peters is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Coast Guard's mission and operational capabilities on the Rio Grande River.

- 20. Jennifer Pena**
Chief Legal Counsel
U.S. Section of International Boundary Water Commission
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Counsel for the USA

Ms. Pena is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Section of International Boundary Water Commission, prioritization of water uses, water rights, water releases, and the buoys.

- 21. U.S. Army Corps of Engineers**
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Counsel for the USA

Employees of the U.S. Army Corps of Engineers are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, construction, studies, research, cost-benefit analyses, hydrology, dredging, hydraulics, dams, electricity, water, waterways, vessels, federal regulations, engineering, budgeting, policies, and procedures.

22. U.S. Section of International Boundary Water Commission

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Employees of the U.S. Section of International Boundary Water Commission are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, construction, studies, research, treaties, cost-benefit analyses, hydrology, electricity, water, engineering, water accounting, water rights, water usage, dredging, hydraulics, dams, waterways, vessel, budgeting, policies, and procedures.

23. U.S. Border Patrol

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Brian.lynk@usdoj.gov
Counsel for the USA

Employees of the U.S. Border Patrol are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, federal regulations, inspections, policies, procedures, customs, trade, and the buoys.

24. Elizabeth Sherwood-Randall
White House Homeland Security Adviser
C/o Brian Lynk
Department of Justice
Environment & Natural Resources Division
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Counsel for the USA

Ms. Sherwood-Randall is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, policies, procedures, border security, the buoys, and the absence of the buoys impacting U.S. relations with Mexico.

25. City of Eagle Pass
C/o Ana Sophia “Sophie Garcia” Berain
City Attorney
Eagle Pass
100 S. Monroe St.
Eagle Pass, TX 78852
Telephone: (830) 773-1111
Counsel for the City of Eagle Pass

Employees of the City of Eagle Pass are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development,

policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

26. Sheriff Tom Schmerber
Maverick County
C/o Jaime "AJ" Iracheta
County Attorney
Maverick County
680 Quarry Street
Eagle Pass, TX, United States, Texas
Telephone: (830) 773-3520
County.Attorney@co.maverick.tx.us
Counsel for Maverick County

Sheriff Schmerber is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, drownings and rescues, deaths, crime, policies, procedures, governmental relations, and the buoys.

27. Dr. Corinne Stern
Webb County Medical Examiner
C/o Marco Montemayor
County Attorney
Webb County
1110 Washington St., Ste 301
Laredo, TX 78040
Telephone: (956) 523-4044
MarcMontemayor@webbcountytexas.gov
Counsel for Webb County

Dr. Stern is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, policies, procedures, the buoys, drownings, deaths, causes of deaths, and governmental relations.

28. City of Del Rio
C/o Jack L. Stern
City Attorney
City of Del Rio

109 W. Broadway
Del Rio, TX 78840
Telephone: 830-774-8618
Counsel for the City of Del Rio

Employees of the City of Del Rio are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development, policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

29. City of Laredo
C/o Doanh “Zone” T. Nguyen
City Attorney
City of Laredo
1110 Houston St.
Laredo, TX 78040
Telephone: (956) 791-7319
Counsel for the City of Laredo

Employees of the City of Laredo are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development, policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

30. Walker Smith
Director
Port of Harlingen
24633 E. Port Rd.
Harlingen, TX 78550
Telephone: (956) 423-0283
walker@portofharlingen.com

Mr. Smith is likely to have discoverable information that may be used to support a claim or

defense, other than solely for impeachment purposes, relating to the Rio Grande River, ports, the Port of Harlingen, vessels, trade, customs, border security, law enforcement, policies, procedures, and commercial navigation.

- 31. Eduardo A. Campirano**
Port Director
Port of Brownsville
1000 Foust Road
Brownsville, TX 78521
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ecampirano@portofbrownsville.com

Mr. Campirano is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, ports, the Port of Brownsville, vessels, trade, customs, border security, law enforcement, policies, procedures, and commercial navigation.

- 32. Richard Yarusso**
Police Officer
C/o Michael Gerber
Deputy Commissioner
N.Y. Police Department
1 Police Plz Rm 1406
New York, NY 10038 - 1403
Telephone: (212) 374-5400
Counsel for the NYPD

Mr. Yarusso is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, crime, violence committed by illegal immigrants, and the impact of illegal immigration crossing the Rio Grande River near Eagle Pass, TX.

- 33. Loren Flossman**
Cochrane International
C/o Beau Cox
Norton Rose Fulbright US LLP

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Counsel for the Cochrane International

Mr. Flossman is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, border security, the Rio Grande River, and the buoys.

34. Kickapoo Traditional Tribe of Texas
C/o Jason C. Nelson
General Counsel
Kickapoo Traditional Tribe of Texas Legal Department
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Counsel for the Kickapoo Traditional Tribe of Texas

Members and employees of the Kickapoo Traditional Tribe of Texas are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, border security, the Rio Grande River, the buoys, tribal law, governmental relations, and commercial navigation.

35. Defendants incorporate by reference the names and personal identifying information of all individuals who have made sworn declarations to the trial court, *see generally* Pl. Mtn. P.I. Ex. 1, 2, 3, 4, 5, 6, 7, 8; D. Resp. P.I. Ex. A, B, C, and any other individual identified by Plaintiff in their initial or disclosures on or before June 17, 2024.